IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16026 of 2004

Between:

Chopparapu Venkateswarulu S/o.Late Yelamanda,
C/o Konda Bhavannarayana, Rahadari Bungalow Road, Second Ward, Ponnur,
Guntur District.

..... PETITIONER

AND

1 The Principal Secretary, Endowments Department,

Secretariat Buidlings Saifabad, Hyderabad.
2 The Commissioner Endowments Department,

Boggulakunta, Tilak Road, Hyderabad.
3 The Assistant Commissioner Endowments Department,

Naz Center, Guntur.
4 Sri Bhavannarayana Temple,

rep., by its Executive Officer,
Ponnur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order more especially one in the nature of writ of mandamus declaring the action of the respondents in not settling the claims of the petitioner i.e., the gratuity under the Scheme introduced by LIC to the employees of the 4th respondent temple vide Policy No.1977 of LIC of India and Funeral Expenses, Earned Leave Encashment, Earned Leave Surrender, Vide RC.No.A2/32111/89 dt.8/12/89 and gratuity Vide GOMs.No.1478 Revenue Endowments (II) Department dated 17.11.1986 etc., to the mother of the petitioner, as illegal, capricious, and violative of principles of Natural Justice and consequentially direct the respondents to settle the Earned Leave Surrender for the year 2001-2002 and 2002-2003 and Earned Leave Encashment and Funeral Expenses Vide Rc No.A2/32111/89 dated 8.12.1989.

Counsel for the Petitioner: Mr. RAVI SHANKAR JANDHYALA

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court at the admission stage made the following ORDER:

The petitioner claims that he is the son of one

Smt. Ch.Samrajyam, who worked as a Sweeper in the 4th respondent-temple since 1973 and died on 07-07-2003 while in service. The petitioner contends that in pursuance of the death of his mother, he is entitled for gratuity and other terminal benefits as per the Government Orders in force. Since the respondents did not pass any orders for the release of those benefits, he approached this Court seeking a direction to the respondents to settle his claims as per the rules in force.

In the light of the submissions made by the petitioner, the respondents 2 to 4 are directed to consider the representation of the petitioner dated 19-7-2003 made to the 3rd respondent, marking copies to the respondents 2 and 3, and consider whether the petitioner is entitled for any terminal benefits on account of the death of his mother while in service and pass appropriate orders according to rules in force within two months from the date of receipt of a copy of this order, by communicating a copy of the order to the petitioner.

Accordingly, the Writ Petition is disposed of.

_____

(Dr. G.YETHIRAJULU,J)

26th October, 2004.

Tsy

To

1 The Principal Secretary, Endowments Department,

Secretariat Buidlings Saifabad, Hyderabad.

2 The Commissioner Endowments Department,

Boggulakunta, Tilak Road, Hyderabad.

3 The Assistant Commissioner Endowments Department,

Naz Center, Guntur.

4 Two CCs to the GP for Endowments, High Court of A.P.,

Hyderabad (O.U.T.)

5 Two CD Copies.

6 The Executive Officer,

Sri Bhavannarayana Temple,

Ponnur, Guntur District.